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January 6, 2023

VIA ECF

Pamela K. Chen, U.S.D.J.
United States District Court, Eastern District of New York
225 Cadman Plaza East, Courtroom 4F North
Brooklyn, New York 11201-1804

Re: *IME Watchdog, Inc. v. Gelardi, et al.*
Case No.: 1:22-cv-1032 (PKC)(JRC)

Dear Judge Chen:

We represent defendants Safa Gelardi (“Safa”), Vito Gelardi (sometimes, “Vito”) and IME Companions LLC (“Companions”) and write to request an extension of Vito’s time to answer plaintiff’s first amended complaint until the date when Safa and Companions must answer.

By Minute Order dated November 3, 2022, your Honor ordered that “[p]ending the outcome of the pre-motion conference and any subsequent briefing schedule, Vito Gelardi’s deadline to file an answer will be set as the same day as Safa Gelardi’s and IME Companions, LLC’s deadline to file a response.” Such Order was issued in response to Plaintiff’s letter motion dated November 2, 2022, wherein plaintiff consented to an adjournment of Vito’s “deadline to file an answer until such time that Safa and Companions must file one.” (See Docket Entry [118](#)). Defendants had requested such an extension (with plaintiff’s consent) so that Vito could answer the first amended complaint jointly with co-defendants Safa and Companions. At that time, Safa’s and Companions’ time to answer had been extended by their filing of a request for a pre-motion conference for leave to move to dismiss, and defendants intended for Vito to “piggyback” on the extension granted to Safa and Companions by the law so that defendants would only have to interpose one answer to the first amended complaint.

Safa and Companions served their motion to dismiss on January 5, 2023. Pursuant to Fed. R. Civ. Pro. 12(A)(4)(A), the time for Safa and Companions to answer the first amended complaint has been extended until 14 days after notice of this Court’s decision on their motion to dismiss.

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In light of the foregoing, we respectfully request that defendant Vito Gelardi be granted an extension of time to answer the first amended complaint until 14 days after notice of the Court's decision on the motion to dismiss served by Safa and Companions, as contemplated by the parties when they requested and received your Honor's Minute Order dated November 3, 2022, and notwithstanding your Honor's Minute Order dated January 6, 2023, which extended Vito's time to answer until January 12, 2023.

Pursuant to your Honor's Individual Practices and Rules, please be advised that: (a) Vito's time to answer was originally scheduled for November 4, 2022 (see Minute Order dated 10/12/2022); (b) plaintiff consented to the requested adjournment by letter motion dated November 2, 2022 (see Docket Entry [118](#)); (c) your Honor granted Vito's prior request and ordered that "[p]ending the outcome of the pre-motion conference and any subsequent briefing schedule, Vito Gelardi's deadline to file an answer will be set as the same day as Safa Gelardi's and IME Companions, LLC's deadline to file a response" (see Minute Order dated November 3, 2022); and (d) no other deadlines are affected by this request for an extension.

We thank the Court for its continued courtesies and cooperation.

Respectfully yours,

/s/ Jonathon D. Warner

JDW/ks

cc: All counsel (via ECF)